

**Testimony of S. Eben Kirksey, Ph.D.  
The Graduate Center, City University of New York**

**before the  
U.S. House Committee on Foreign Affairs  
Subcommittee on Asia, the Pacific and the Global Environment**

**September 22, 2010**

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held  
Accountable for Deliberate and Systematic Abuses in West Papua?”**

Mr. Chairman first I would like to express thanks for your leadership. Along with Chairman Payne, Representative Patrick Kennedy, Members of the Congressional Black Caucus, and the Progressive Caucus, you have consistently reminded your fellow Members of Congress and counterparts in the Administration of the grave abuses perpetrated by Indonesia’s security forces in the seemingly remote land of West Papua.<sup>1</sup> I also want to acknowledge the many Papuan leaders sitting behind me here in the audience today, who have travelled thousands of miles to witness this historic occasion.

In 1998 I was awarded a grant from the United States Indonesia Society to conduct anthropological research in West Papua. At the time I was intent on studying indigenous foodways for my undergraduate honours thesis. Human rights issues were not on my radar screen.

Weeks after I enrolled as an exchange student at Cenderawasih University, in July 1998, I heard shots that hit two fellow students at a small demonstration—Steven Suripatti, a law student, was shot in the head and killed, and a high school girl, Corina Onim, was shot in the leg as she watched the protest from the sidelines.<sup>2</sup>

Days after this incident, I found myself trapped in a hotel, on the island of Biak, while a massacre took place. At dawn on July 6<sup>th</sup>, 1998, Indonesian security forces surrounded a group of Papuan protestors, who were peacefully sleeping in the Biak harbor under the Morning Star flag, West Papua’s banner of independence. It was a joint operation involving mobile brigade police (Brimob), army troops (Kopasgad), a company of soldiers from the local barracks (Kodim), as well as Navy personnel. I could hear the troops firing into the crowd. Later I interviewed witnesses who watched soldiers load bodies of the dead and dying into a small truck: *“I counted fifteen people in the first load,”* one eyewitness told me. *“The truck came a second time and I counted seventeen people inside. When they opened up the truck bed I could see lots of blood, in that small truck there was lots of blood.”*<sup>3</sup>

Survivors from this initial assault were loaded onto Navy ships that I could see from my hotel window. People were taken to the middle of the ocean and dumped overboard. In the coming weeks, at least 32 decaying bodies washed ashore on Biak. Some cadavers were missing their heads, hands, or genitals.<sup>4</sup>

In 1999 Human Rights Watch issued a report about the Biak massacre and called for the Indonesian government to exhume graves of the victims in the presence of NGOs and forensic pathologists.<sup>5</sup> An official inquiry was never launched. This massacre took place on the heels of President Suharto's ousting—during the first moments of Indonesia's Era of Reform. While Indonesian citizens in other parts of the country were enjoying new-found freedoms, Papuans found themselves under the thumb of government security forces who continued to enjoy complete impunity.

The violence intensified in June 2001 when Indonesian police launched a campaign in the remote region of Wasior targeting independence activists that was aptly named "Operation Sweep and Crush." An Amnesty International report found that "over 140 people were detained, tortured or otherwise ill-treated during the course of the operation. One person died in custody as a result of torture while at least seven people are believed to have been extrajudicially executed." During Operation Sweep and Crush, a total of 55 houses in Wasior were burned or otherwise destroyed by security forces.<sup>6</sup>

The murder of Wellem Korwam, a 32-year-old health worker, illustrates the extreme brutality perpetrated by Indonesian security forces during Operation Sweep and Crush.<sup>7</sup> His body was cut in seven pieces and then dumped into the sea. Here is picture of some twenty people—health workers, police officers, civil servants and civilians—struggling to deal with a large plastic bag containing Korwam's body. The bag is bulging with gas and floating in the water near a palm-fringed beach. Mr. Chairman I will spare your Committee, and the public, the horror of seeing the pictures of Mr. Korwam's body once this bag was opened up. Instead I will describe the pictures.

The next photograph in the series was taken indoors—a man with plastic gloves is arranging the torso in a white coffin. It is a wide-angle shot and one can see the white, black, and pink organs inside the torso. The subsequent picture is a jumble of seven different body-parts: two legs, two arms, the head/torso and two other pieces of the body's trunk. The mouth gapes open in a distorted yawn; whitish-green eyes stare unfocused in different directions; the nose, arms and ears are gone. The final photo is of the burial site. Cloths worn over some of the mourners' mouths and noses helped stifle the putrefying smell. Mr. Chairman, I have the photographs of Mr. Korwam's body with me here today in this envelope. At your discretion, the photographs might be introduced to the record.

The Rome Statute sets a global standard for prosecuting crimes against humanity when perpetrators enjoy impunity in their home countries. As outrage about the deliberate abuses against political leaders in West Papua grows here in Washington, and in other countries around the world, Indonesian soldiers and police officers should think twice before committing future acts that violate national and international laws.

When U.S. citizens are murdered while living or travelling abroad, there are clear legal precedents for trying suspects in our own courts. Two American schoolteachers, and one Indonesian, were shot dead on August 31<sup>st</sup>, 2002, near the gold and copper mine of Freeport McMoRan (FCX) in Timika, West Papua. The shooting lasted about 45 minutes and was nearby an Indonesian military checkpoint where more than 100 soldiers were stationed with Kostrad Battalion 515. Eyewitnesses also placed Kopassus Special Forces soldiers at the crime scene.<sup>8</sup>

Indonesia's own initial investigation, lead by Police Chief Made Mangku Pastika, found "a strong possibility" that there were Indonesian military shooters.<sup>9</sup> Pastika, and other senior police investigators were transferred off of the case in late 2002, as the Indonesian military stepped in to take charge of the investigation. The military promptly exonerated themselves.

The FBI showed an interest in conducting their own murder investigation from the outset. But, Indonesian authorities were initially hostile. At first FBI agents were only permitted short visits to Timika. Their interviews were, initially, conducted in the presence of Indonesian minders.<sup>10</sup> Despite repeated high-level requests from the U.S. government, including a personal appeal by President George W. Bush, the FBI had continual difficulties in gaining access to witnesses and material evidence for many months.<sup>11</sup> By the time the FBI hit the ground, the trail was cold.

Antonius Wamang, a Papuan farmer, was sentenced to life in prison for participating in this attack by an Indonesian courtroom on November 7<sup>th</sup>, 2006. Wamang pled guilty, but it is clear that he was not acting alone. Mr. Chairman, today I am submitting a 33-page article for the record, which was published in a peer-reviewed journal, detailing Mr. Wamang's ties to the Indonesian military. The Indonesian courts failed to systematically evaluate evidence that Indonesian soldiers shot and killed U.S. citizens. Mr. Wamang, and his alleged military accomplices, should be brought to trial in a U.S. courtroom.

The very day that Wamang was sentenced to life in prison, the Bush Administration signaled a "new era of military co-operation" with Indonesia.<sup>12</sup> In 2006 a new Pentagon program was announced that provided U.S.\$19 million for building Indonesian military capacity. The next year, in December 2007, the U.S. Congress provided the Indonesian military with U.S.\$18.4 million in Foreign Military Financing (FMF) for the 2008 fiscal year.<sup>13</sup> For the Fiscal Year 2011, the Administration has requested U.S.\$22 million for FMF as well as U.S.\$1.8 million for the International Military Education Training (IMET) program. There are currently no legislated restrictions on purchases of U.S. military equipment by the Indonesian military.

Widespread and systematic crimes continue to be perpetrated by Indonesian security forces against Papuans who express desires for self-determination and political independence.<sup>14</sup> In the past twelve years of Indonesia's "Reform Era", many Papuan leaders have been murdered, tortured, or imprisoned for their political beliefs and aspirations.

Mr. Chairman, Indonesia's track record speaks for itself. Does the Democratic Party really want to continue associating with these human rights abusers? In my personal opinion U.S. military aid programs for Indonesia should be cut off completely. If the Appropriations Committee decides to keep these programs in place, very real conditions and clearer benchmarks should be formalized. The Indonesian military, police, and navy should receive no more funding from the U.S. government until the murderers of Wellem Korwam are brought to justice, until Indonesian officials let forensic pathologists exhume the mass graves on Biak.

Mr. Chairman, thank you again for holding this historic hearing. With your continued leadership the U.S. government will play a role in ending Indonesian military impunity in West Papua.

- 
- 1 The territory has various names, each with charged political connotations. On October 19th, 1961 the Papuan National Committee issued a manifesto renaming their nation "West Papua," from the previous name "Netherlands New Guinea." After a U.N. brokered deal ceded sovereignty of the territory to Indonesia in 1963 the official name of the new province became "West Irian," later "Irian Jaya." On January 1st, 2000, Indonesian president Gus Dur issued a Presidential decree to rename the territory "Papua." Further complexity was introduced in 2003 with a controversial move that split the territory into the Province of Papua and the Province of West Papua. To avoid undue confusion, most scholars have adopted the name "West Papua" to refer to the entire territory for all recent historical periods.
  - 2 One Student Killed in Clash with Security Personnel. Associated Press Worldstream. Jakarta, 3 July 1998. (1998). Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya, Vol 10, No. 8 (C). New York, Human Rights Watch: 17. [Available on-line: <http://www.hrw.org/reports98/biak/index.htm>].
  - 3 Twenty-nine people were killed in the initial assault, according to human rights reports. See the Indonesian language report by Elsham Papua—the Institute for Human Rights Study and Advocacy: "Nama Tanpa Pusara, Pusara Tanpa Nama: Laporan Pelanggaran HAM di Biak". Elsham Report: Jayapura, West Papua (July 1999).
  - 4 Elsham, "Nama Tanpa Pusara, Pusara Tanpa Nama," 56-8.
  - 5 Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya, Vol 10, No. 8 (C). New York, Human Rights Watch: 17. [Available on-line: <http://www.hrw.org/reports98/biak/intro.htm>].
  - 6 Withers and Poulsen, "Grave Human Rights Violations in Wasior," (2002) AI-index: ASA 21/032/2002 [available on-line <http://www.amnesty.org/en/library/info/ASA21/032/2002>]. See also: Kirksey, S. E. Freedom in Entangled Worlds (forthcoming).
  - 7 I managed to secure interviews about Wellem Korwam's murder with key sources in Nabire, Manokwari, and Wasior. The sources included family members, church workers, village leaders, and fishermen. While keeping all of these sources anonymous to protect them from potential retribution, I have rigorously cross checked all of their accounts. By almost all accounts Wellem Korwam was disappeared, murdered, and dismembered by a Brimob paramilitary police unit. See also: Withers and Poulsen, "Grave Human Rights Violations in Wasior," (2002) accessed on 8 September 2010 [available on-line <http://www.amnesty.org/en/library/info/ASA21/032/2002>].
  - 8 Kirksey, S. E. and A. Harsono (2008). "Criminal Collaborations? Antonius Wamang and the Indonesian Military in Timika." South East Asia Research 16(2): 165-197.

- 
- 9 Tarigan, the Deputy Police Chief, told reporters that the 13 guns used in the attack were the types of weapons issued to soldiers stationed in the area. "*Only the military and Freeport workers pass through the area,*" Tarigan was quoted as saying by *Tempo* newsmagazine. Hyland "Police Blame Army for Papua Ambush," 27 December 2002; Agence France Presse, "Police say Indonesian Army Behind Papua Ambush," 26 December 2002. Pastika's statements as quoted in Priest, D. (2003). *Nightmare and a Mystery*. *Washington Post*: A01.
- 10 Priest, "Nightmare and a Mystery," A01.
- 11 Moore, M. "Find Freeport Killers, Bush Tells Megawati," *Sydney Morning Herald*, 21 December 2002.
- 12 "U.S.: Washington Signals New Era of Military Co-operation," *Radio Australia*, 11 November 2006.
- 13 The majority of these funds, U.S. \$15.7 million, were automatically awarded to the Indonesian military in FY2008. The remaining U.S. \$2.7 million was awarded once the U.S. Department of State completed a report about the assassination of human rights activist Munir, access to West Papua, and general reforms in Indonesia. Miller, "ETAN Statement on military assistance to Indonesia in the FY2008 Consolidated Appropriations bill (HR 2764)," <http://www.etan.org/news/2007/12app.htm>.
- 14 For further background see: Osborne, R. (1985). *Indonesia's Secret War: The Guerilla Struggle in Irian Jaya*. London, Allen and Unwin; Budiardjo, C. and S. L. Liem (1988). *West Papua: The Obliteration of a People*. Thornton Heath, TAPOL.